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File No.: 142452.1003

By E-mail  
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City Council  
12th Floor, West Tower  
City Hall  
100 Queen Street West  
Toronto, ON M5H 2N2

Attention: Ms. Marilyn Toft, City Clerk Secretariat

Dear Members of City Council:

**Re: PG29.4 TOcore: Downtown Plan Official Plan Amendment  
101 Spadina Avenue, Toronto**

We are counsel to DevGreat Inc., the owner of the property municipally known as 101 Spadina Avenue, generally located at the southeast corner of Spadina Avenue and Adelaide Street West (the "**Property**") within the area subject to the proposed Downtown Plan Official Plan Amendment No. 406 (the "**TOcore OPA**") currently being considered by City Council. Our client has reviewed the TOcore OPA and the Supplementary Staff Report, dated May 14, 2018 and has significant concerns as it would apply to the Property.

For the reasons set forth in this letter, we strongly urge that:

- (i) **Council defer consideration of the TOcore OPA;**
- (ii) **Council direct City Planning staff to conduct further consultation as it relates to, among other things, the Policy Revisions and Map Revisions in Attachments 1 and 2 of the Supplementary Staff Report, exemption and transition issues and site specific issues; and**
- (iii) **That City Planning staff report directly to City Council with any further recommendations, such report to be made available to the public as required by Section 26 of the *Planning Act*.**

We submit that the policies in the TOcore OPA are inconsistent with the Provincial Policy Statement, 2014 (the "**PPS**") and fail to conform to the Growth Plan for the Greater Golden Horseshoe, 2017 (the "**Growth Plan**"). Policies in the TOcore OPA restrict intensification on the Property, where the PPS and Growth Plan policies direct growth to occur.

## Consistency and Conformity

Our client's property, as shown in Map 41-3 of the TOcore OPA, falls within Mixed Use Areas 3 – Main Streets, in particular the associated policies regarding height restriction, does not make use of the land and infrastructure in a way that is efficient or effective. The PPS and Growth Plan view downtown Toronto as an area for intensification and growth, under the TOcore OPA the redesignation of the property results in an underutilization of the land, contrary to Provincial policy directions.

The TOcore OPA does not take into account PPS directions to optimize the use of land and infrastructure, particularly along transit and transportation corridors, and in particular within the Downtown Toronto urban growth centre and in "major transit station areas". In this regard, "optimization" means making something "as fully perfect, functional, or effective as possible".

The PPS sets out the foundational planning framework to realize the vision for Ontario's "long-term prosperity" which includes the promotion of "efficient land use and development patterns" (Policy 1.0; Part V). To that end, the PPS contains a number of policies that promote intensification, redevelopment and compact built form, particularly in areas well served by public transit. Policy 1.1.3.2 of the PPS supports densities and a mix of land uses which efficiently use land, resources, infrastructure and public service facilities, and which are transit-supportive where transit is planned, exists or may be developed.

The vision cast by the Growth Plan is to effectively plan for growth and development which "supports economic prosperity, protects the environment, and helps communities achieve a high quality of life" (Policy 1.2). Downtown Toronto is considered an urban growth centre and the Growth Plan establishes minimum density targets to be achieved as it relates to residents and jobs per hectare (Policy 2.2.3 (a)). Lands that are adjacent to frequent transit service are encouraged to be developed with "transit-supportive and supportive of active transportation and a range and mix of uses and activities" (Policy 2.2.4 (10)). When examining policies related to our client's property the TOcore OPA is inconsistent with the PPS and fails to conform with the Growth Plan.

The policies within the TOcore OPA should ensure the efficient land use and development patterns promoted by the PPS are maintained and are reflective of the intensification opportunities within a designated growth area. The establishment of Mixed Use Area designations within the TOcore OPA, which restrict the redevelopment of sites that are strategically located in proximity to already established infrastructure and public service facilities, is inconsistent with the policy direction of the PPS.

In our opinion, the proposed redesignation of the Property to Mixed-Use Areas 3 – Main Street, and in particular the associated height restriction to generally not exceed the width of the adjacent street right-of-way, does not make use of land and infrastructure in a way that is efficient or as effective as possible. Under the TOcore OPA, the Property would be permitted less height/density resulting in an underutilization of land and infrastructure.

## Statutory Notice Requirements Not Met

For an Official Plan Amendment under Section 26 of the *Planning Act*, information and material relevant to the amendment must be made publicly available at least 20 days before the Public Meeting. We note that the Supplementary Staff Report, dated May 14, 2018, which itemizes staff and PGMC's recommended amendments to the TOcore OPA, has not been the subject of a Public Meeting and has been released only seven days before the TOcore OPA is to proceed to Council for a decision, contrary to Section 26 of the *Planning Act*. Many of the proposed changes are substantive and our clients have not been given sufficient time to review and consider the impact of such changes.

Because of the excessively prescriptive performance and built form standards included in the TOcore OPA, the TOcore OPA is more regulatory than visionary and the TOcore OPA directly negates intensification in areas otherwise targeted for growth.



The City's powers to approve the TOcore OPA are powerful and extraordinary and the only safeguard against abuse of those powers is proper and meaningful consultation. Providing the public sufficient time and notice to review and comment on the City's final proposed changes to the TOcore OPA, and for those comments to be considered by Council in their decision-making is a fundamental component of meaningful consultation —for which one week is simply inadequate.

## **Conclusion**

For the reasons expressed in this letter as well as those included in the letter dated April 30, 2018, and submitted to the Planning and Growth Management Committee, we ask that consideration of the TOcore OPA be deferred by Council to allow the public sufficient time to consider and respond to the supplemental staff recommendations, as well as for staff to address the concerns raised by our client, which engage matters of Provincial policy and procedural fairness.

Please provide us with notice of all upcoming meetings of Council and Committees of Council at which the TOcore OPA will be considered, and we ask to be provided with notice of Council's decision and the Ministry of Municipal Affairs' decision with respect to this item.

Yours truly,

  
Calvin Lantz

*Certified Specialist in Municipal Law  
(Land Use Planning and Development)*

CL/jw  
cc. DevGreat Inc.